

17938. Misbranding of Pycope. U. S. v. 58 Cans, et al., of Pycope. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25464, 25465. I. S. Nos. 8728, 8729. S. Nos. 3718, 3719.)

Examination of samples of a product, known as Pycope, from one of the herein-described shipments having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On December 10, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 140 cans of Pycope, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Pycope (Inc.), Joplin, Mo., in various consignments, on or about November 28, 1929, and July 15, September 12, 1930, and had been transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, sodium carbonate, sodium bicarbonate, sodium borate, calcium carbonate, and compounds of iron, aluminum, and magnesium.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the tin container and in the accompanying circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent: (Tin container) "It saves the teeth * * * For Mouth Health * * * Hardens Soft and Bleeding Gums;" (circular) "It Saves the Teeth * * * There is Little Excuse for Pyorrhea * * * The dental profession recognizes Pyorrhea as a condition followed by a complex infection. You can aid your dentist in relieving the condition and preventing the infection by using Pycope Tooth Powder and Brush. Pyorrhea is a gum disease. You may have beautiful white teeth and yet have Pyorrhea. The correct use of Pycope Tooth Powder and Brush promotes mouth health, by raising the natural resistance to the infection. Brush your teeth and massage your gums with these products for three minutes twice each day. Pycope Products are endorsed by many hundreds of progressive dentists. These authorities, whose knowledge is beyond question, are your assurance of its effectiveness."

On January 6, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17939. Adulteration and misbranding of ether. U. S. v. Eleven 1-pound Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24650. I. S. Nos. 029459, 029460. S. No. 3008.)

Samples of ether from the herein-described shipment having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On March 26, 1930, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of eleven 1-pound cans and thirty-five ½-pound cans of ether, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Merck & Co. (Inc.), from Philadelphia, Pa., in part on or about February 24, 1930, and in part on or about March 1, 1930, and had been transported from the State of Pennsylvania into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, or purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading.

On August 5, 1930, Merck & Co. (Inc.), Rahway, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled in a manner indicating that it was not to be used or sold for medicinal purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*